SURVEY OF 2019 CHIEF FOIA OFFICER REPORTS
Date: 6.3.19

Question on Levering Technology (added to DOJ/OIP Chief FOIA Officer reporting requirements per recommendation of 2016-2018 FOIA Advisory Board)

Section IV Question 1:   Is your agency leveraging technology to facilitate efficiency in conducting searches, including searches for emails? If so, please describe the type of technology used.   If not, please explain why and please describe the typical search process used instead.

Departments

Agriculture
OCIO's Client Experience Center (CEC) performs network services for several USDA FOIA components to include electronic messaging operations, electronic calendars, blackberry, mobile device management (MDM), file and print, remote access, voice, network, service desk, and other application services. Upon request from a USDA FOIA component serviced, CEC will initiate a search for responsive electronic records in accordance with the assigned search criteria provided. For review of records returned from CEC, the OCIO-DFO has purchased an add-on tool to the Department's enterprise wide tracking system that enables FOIA components to search, sort, and identify select responsive content in large volumes. Unfortunately, however due to budget constraints, only a few licenses were purchased. Additionally, some USDA components have opted to purchase software like Adobe AutoPortfolio to assist with the review of records returned from CEC.

DoD
* * * In FY18, ap[p]roximately 60% of DoD Components reported that they were continuing to identify best practices to leverage technology facilitating overall FOIA efficiencies. Several Components reported working with their case management systems to automate internal steps and processes, improve case visibility and implement document release automation. DISA, for example, is updating its newly created FOIA tracking database to enhance retrieval and sorting capabilities. Components also reported using e-Discovery tools to search and de-duplicate emails. This feature is particularly useful with multiple strings of emails where unmodified original messages are repeated as the electronic conversation continued. Many Components have also shifted to document sharing platforms so that there is greater ease and faster exchange for consultations and referrals. Some Components are exploring or implementing central repositories so that FOIA professionals can execute searches without awaiting subcomponent or SME search execution. Components report successful partnerships in the efforts which require close cooperation with records management officials. Air Force, NGA and NSA, for example, have worked with their records management officials and IT divisions to incorporate electronic records management technology that will improve their search capabilities. Several Components reported working with their Knowledge Management Officers to better present information that has been difficult to find on component websites and improve the relevance of what is posted

Education
ED is continuing to utilize a robust E-Discovery tool to improve its record search capabilities and to assist with de-duplicating email communications.

Homeland Security
The Chief FOIA Officer places a premium on the value of technology to make the FOIA process more efficient and address some of the systemic issues that create backlogs (e.g., interoperability, search capability, retention schedules). For several years, the DHS Privacy Office has supported and assisted Components in using a commercial off-the-shelf FOIA tracking and processing solution that enables a

completely electronic workflow. To address some of the department's ongoing interoperability challenges, former Deputy Secretary Elaine Duke directed the Chief FOIA Officer to establish and lead an enterprise wide FOIA Technology System Requirements Working Group. The Working Group was chaired by the Deputy Chief FOIA Officer and began to prioritize areas for budget and resource planning to address outdated FOIA IT systems in the Components. In July 2018, the Working Group submitted a Capabilities Analysis Report to the Deputy Secretary's Management Action Group Joint Requirements Council that recommended scalable requirements for an enterprise-wide FOIA processing and case management system.

Component efforts to leverage technology to facilitate efficiency in conducting searches are described below.

CBP: • Uses its AFI system to perform searches for multiple requests in batches, eliminating the need for staff to search each request individually, which in turn allowed the staff to focus on other requests.

CISA: • In partnership with ICE leveraged e-Discovery software to cull, de-duplicate, thread emails, and narrow large record sets to only responsive material – saving the government a significant amount of time and resources when responding to several FOIA requests and litigations. • OBIM FOIA used an automated process whereby the Component's IT department conducts searches for responsive records, and standard redactions with appropriate exemption codes are automatically applied to likely non-releasable fields. These redactions are reviewed by FOIA processors before the response is sent to the requester.

FEMA: • Used the Advanced Document Review feature of the Department's enterprise-wide tracking and processing solution, which assists with key word searches of large record sets and de-duplication

FLETC: • Used SharePoint to collaborate with the FLETC Office of Chief Counsel, and with offices that provided responsive records.

I&A: • Incorporated the use of SharePoint and Dropbox to improve collaboration and streamline processes.

ICE: • Used the Department's enterprise-wide solution to track, manage, and process all incoming FOIA requests in a completely electronic workflow. • Used eDiscovery software to narrow large record sets to only responsive material, creating efficiencies and generating cost savings to the government.

OIG: • Used an eDiscovery platform to process large FOIA requests and for FOIA litigations. This platform provides the ability to sort, de-duplicate, and process records.

DHS Privacy Office: ☐ Collaborated with the Office of the Chief Information Officer to conduct searches of email records. PRIV also used the Advanced Document Review feature of theDepartment's enterprise-wide tracking and processing solution, which assists with keyword searches of large record sets and deduplication.

USCG: ☐ Explored the use of email services to improve searchesfor emails. USCG also worked to implement a records retention schedule that ensures senior leadership emails are retained.

USCIS:☐ Purchased and installed an e-discovery tool that de-duplicates documents and allows processors to cull down a tranche of records to only those that are specifically responsive to a request. Early results are extremely promising. In one case the universe of potentially responsive records was reduced from 15,000 down to 800, saving countless processing hours. When specific search terms and de-duplication tools were applied to several large OIT email data-pulls for potentially responsive records, the software reduced 81,987 pages of emails to only 4,016 pages of emails that are responsive records. This reduced the manual review of emails for responsive records by 95 percent, saving the government hundreds of hours in labor.

USSS: ☐ Used document accelerator a program that allows for the review and de-duplication of email searches provided by the Chief Information Officer.

HUD
(Answer to II.5)
HUD's use of technology has proven a significant factor in effectively processing requests, as well as a significant challenge to efficiency. The two primary programs utilized for the processing of FOIA requests are the FOIA Express tracking system (FMS2) and an electronic discovery (eDiscovery) platform. The use of FMS2 allows for the seamless integration of a case's intake, its assignment out for collection of records, review and redaction of those records, legal clearance, final approval, and closure. The proliferation of this system's use, particularly amongst employees not solely dedicated to FOIA, has better equipped the Department to maintain a consistent approach to FOIA processing and to ensure a robust and accurate administrative record for each request. The Department's use of an eDiscovery platform for collection of

electronic records from employees' .gov email accounts allows specialists to bypass custodial self-searches and to ensure that each such collection is conducted both objectively and completely. However, a surge in the number of requests for email-based records—thus, a surge in the required use of the eDiscovery collection system—has significantly challenged our ability to complete such collections expeditiously. The turnaround time for collection of records through eDiscovery is now in excess of five months.

(Answer to IV.1)
See II.5 above, detailing the Department's use of technology to assist in FOIA administration.   Our eDiscovery system allows for the automated collection of emails in a consistent manner by eliminating the need for custodians to conduct self-searches. This ensures that collections are both complete (including deleted and archived files that custodians may not have the ability to locate) and objective (removing the subject of a request from the process of responding to it).

Justice
OIP and the Department continue to champion the use of advanced technological solutions that assist with the core functions of FOIA administration. OIP has led the effort to explore the use of these more advanced technologies for the benefit of not only the Department, but all agencies' FOIA administration. Of course, how an agency conducts a search will necessarily vary from request to request based on the records being sought and the most efficient means by which to locate them. FOIA professionals examine each request to devise a search strategy that is both legally sufficient and the most efficient way to proceed. For example, if a requester asks for a distinct record, a search by the record custodian can be much more efficient than using more advanced tools such as e-discovery software. With that in mind, as reported in past years, many of the Department's components utilize e-discovery software when appropriate to conduct efficient records searches, particularly for requests involving email. When using this software, however, components can be reliant on their IT support offices, which can often have a very long backlog of searches needing to be conducted due to the volume of requests and the time it takes to conduct a pull of records for each request. In addition to using these tools, some components use Microsoft 365's email searching tool.

Beyond email, components also maintain databases of records that are electronically searched. For example, the FBI conducts standard searches within its Central Records System, which is an extensive system of records consisting of applicant, intelligence, personnel, administrative, and general files complied and maintained by the FBI. OLC is finalizing the process for replacing its current internal computer database that allows it to search OLC opinions and memoranda from 1945 to the present. The new software will allow for better searching and sorting by metadata, including by author and date.

Labor
In limited instances, the Department is leveraging its e-discovery tools to facilitate searches of emails and other electronic documents.

Interior
The Department is currently exploring (and beginning to implement) ways to leverage and improve its technological efficiency in conducting searches. First, the Department is expanding the use of its eMail Enterprise Records and Document Management System (eERDMS) extracts to pull data from our email archive. We are currently expanding a pilot program utilized by several of our bureaus to make sure this expanded use occurs thoughtfully and effectively. Second, we are also beginning to utilize Axcelerate 5 (an industry standard review and redaction platform provided by OpenText/Recommind) and plan to expand it this year to additional bureaus. We are also moving towards replacing the FOIA/Document Management Unit Processing Application (a homegrown tool used to extract emails) with Google Takeout (a standard component that will more efficiently allow us to both extract emails and other types of records, such as calendars).

Treasury

The IRS implemented a new inventory management system in February 2019 to replace the previous system. The new COTS system is a vendor-hosted, customized cloud-based platform that will provide a number of benefits to the service of taxpayers submitting FOIA requests, including: a robust search feature minimizing time on case and cycle time; advanced document review features allowing for electronic de-duplication of documents to minimize information requiring review; electronic annual report features, including raw data and other reports that can be generated in seconds which saves significant time for analysts responsible for preparing the report manually; and vendor pushed enhancements when statutory requirements are required, saving agency IT resources and minimizing the risk of misinterpretation or overlooking of DOJ FOIA requirement changes that currently must be manually adopted into the IRS's processes.

OCC has employed the use of a commercially available FOIA database and companion software to optimize its FOIA processes. Using this system, the agency is able to monitor activity on its website, audit activity within its database, provide a vehicle to deliver documents through internet downloads, and provide a secure way for requesters to monitor the progress of their cases. OCC also employs the use of high speed document scanners.

TTB is in the process of identifying a records management application that will allow end users to quickly locate duplicate records, particularly emails, sort the records, and export the records as PDFs.

TIGTA's information technology staff conducts searches of the entire e-mail system for email responsive to a request. Similarly, Mint and FinCEN work closely with their IT Departments using special and eDiscovery software to search for records.

SIGTARP employs the use of software that after uploading potentially responsive records, allows the agency to search for keywords and de-duplicate results. SIGTARP typically uses this software in situations where voluminous potentially responsive records exist.

OFAC continued to improve its overall search process by collaborating with Treasury's IT department in the development of a FOIA search application to search the email accounts of employees for cases that have a large volume of search terms. The application is user friendly and allows the user to run the application and obtain search results on all search terms in a fraction of conventional search time.

Treasury

The Agency is currently evaluating ways to leverage more advanced technology to conduct searches in 2019.

In the reporting period, the Agency continued its use of advanced technology to process FOIA requests. DOT components use a file share site as needed to facilitate the sharing of records when the records are too large to email. This allows requesters (or other agencies for consultations) to receive records more quickly. Even more, the Department uses a de-duplication software and an eDiscovery database to review records. This eDiscovery software has saved the agency time by, for example, deduplicating records, thereby automatically reducing the records under review at an initial review stage. Furthermore, the software allows multiple reviewers to simultaneously work on the same review, and enhances collaboration among the reviewers. This eDiscovery software allows for sophisticated searching to target responsive records, and allows a reviewer to find "the needle in the haystack." Lastly, our eDiscovery capability has served as a customer-friendly negotiation tool with requesters. Agency components have used it to suggest search terms and immediately report back to requesters on the search results, which has helped narrow the scope of the request and hence reduce the number of documents under review. The Agency's software also categorizes and group records so that the requester can receive status updates on the types of records under review.

Selected Agencies:

CFPB
The Bureau has a dedicated e-discovery team that generally conducts searches of email and other electronically stored records. The e-discovery team uses Veritas (formerly Clearwell). This software is the primary tool for internal data collection of electronically stored information in the Bureau.

FCC
In July, the Commission shifted to the substantially upgraded FOIAonline system to administer its FOIA program. The Commission has used FOIAonline exclusively to administer is FOIA program beginning in FY 2016. In addition, the agency's FOIA professionals are able to convert documents, emails, and other conventional digital materials to a pdf format automatically using Adobe Acrobat Pro software. This software provides a full range of FOIA processing tools, including redaction marking and application, FOIA exemption labeling, and deduplication using character searches. The software also enables documents to be provided in digital form to requesters without the need to scan or provide paper copies. For very large volume productions, the Commission has made use of file hosting services to provide records to requesters, rather than sending such records over multiple e-mails or on physical media. Although difficult to quantify, we believe that the conversion to FOIA Online and its subsequent 2018 upgrade, and the use of Adobe Acrobat Pro software and file hosting services, have led to more efficient FOIA processing.

FERC
During this period we increased interaction with IT experts and developed guidance that is used by staff to conduct more effective searches for key words in a timely manner. IT experts frequently work directly with staff to assist with searches of emails that are produced in PDF portfolio formats that can be reviewed more efficiently, thus reducing the amount of time required review of such material.

NASA
NASA's Office of Information Technology conducts searches for the FOIA unit when the request concerns Capstone officials' records/emails. One area that NASA is studying is the cost and use of de-duplication software.

NARA
NARA manages four primary electronic records management systems used in daily operations to conduct searches for records in response to FOIA requests for civilian, military, and presidential records. First, the Case Management and Reporting System (CMRS) was developed for the National Archives National Personnel Records Center in St. Louis, Missouri. This system processes thousands of FOIA requests for approximately 100 million military service records.

Second, the Electronic Records Archives (ERA) system serves as NARA's national records management program and is used in the retrieval of federal civilian records
(some emails) and presidential electronic records including email. This database offers multiple functions in managing inventory searches for responsive records. ERA/Executive Office of the President (EOP), is an ERA function that was specifically developed to search several data sets including emails contained in federal and presidential record holdings.

Third, NARA uses a two-pronged approach to search FOIA requests for operational records involving internal email records. NARA uses Google's Gmail for day-to-day email activities, and ZL Technologies' Unified Archive (ZLUA) to manage and conduct searches to fulfill FOIA requests. Both Gmail and ZLUA are separate cloud-based services that NARA uses in tandem to provide NARA with browser-based email. ZLUA is able to search thousands of mails by name, category, and date. In addition to ZLUA, NARA uses other commercial software products to identify responsive email records with greater efficiency.

Fourth, NARA uses the internal Holdings Management System (HMS) to search our internal records inventory. This system allows staff to quickly determine a records classification, location and if the records

are already available for public access. And finally, the primary records management system is the National Archives Catalog. This system is used by staff and public to search multiple National Archives resources for digitized and electronic records, authority records, and web pages from Archives.gov and the Presidential Libraries. In addition to the above noted systems, NARA also uses several smaller systems critical in identifying and locating a wide range of records in our holdings. These systems also support searches in response to FOIA requests.

NSF
As a small agency, NSF doesn't use a specific technological tool to facilitate searches. However, the FOIA team routinely works with the NSF Division of Information Services (DIS) to conduct electronic searches for records, including email.

NTSB
Yes. The Advance Document Review is used to illuminate redundant emails and other records allowing shorter processing times when conducting a search for responsive documents. IT staff is also utilized for conducting extensive searches through email systems and databases.

ODNI
ODNI leverages technology to receive and respond to consults and referrals from other government agencies on classified and unclassified networks. In addition, ODNI utilizes information-sharing platforms to expedite processing of documents within and outside of the Agency. We are learning about other ways we can leverage technology to facilitate efficiency in conducting electronic searches and processing records.

OPM
Yes, this is particularly a priority to research and implement new tools to address email management which will assist the agency to implement Federal Records Act requirements as well as increase FOIA responsiveness. Currently, the OPM FOIA Requester Service Center strives to work with the requester to ensure that the request reasonably describes the records sought. Once the request adequately describes the records sought, the OPM FOIA Intake Specialist assigns the request to the program office(s) most likely to have responsive records. The program offices utilize a variety of search processes to locate responsive records.

PBGC
Yes, the PBGC is leveraging technology to facilitate efficiency in conducting searches. For example, the PBGC utilizes Sharepoint, LeapFile, Adobe and Acrobat Pro, Rapid Redact, and the Legacy Record Search/Retrieval System.

The use of each technology is described below:
SharePoint: SharePoint allows collaborative processing of documents and disclosure determinations. As of January 2018, the Disclosure Division has transitioned to SharePoint for digital file storage.
LeapFile: A secure portal to share responsive documents with requesters that are too large to e-mail or to conveniently fit on disc. For large or voluminous requests, this tool reduces processing time and duplication costs.
Adobe Acrobat Pro: This tool allows the PBGC to convert and combinemultiple documents across various formats into one document or portfolio for review and redaction. It also provides a uniform and secure format for disclosures. The format also keeps file sizes lower than other formats allowing for easier transmission of electronic disclosures.
Rapid Redact: The PBGC utilizes Rapid Redact whenever redactions must be made. This creates a uniform environment for analysts to make, review, and apply redactions. The tool also comes with preloaded exemption codes that can be applied alongside the redactions automatically.
Legacy Record Search/Retrieval System (LRSRS): Provides Boolean and keyword search capabilities of large-scale document requests. This allows for searches to be conducted in an efficient and cost-effective manner by developing specialized queries in response to discovery quests.

The impact of using these technologies can be measured in metrics such as: processing times, volume of records, associated search fees, number of appeals received and overturned, and the sustainment of no backlog.

USTR

The FOIA Office conducts a majority of searches using the centralized eDiscovery platform to allow us simultaneously to search potential record holders' email and files and to de-duplicate results.